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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,016	01/25/2002	Theodore Turnasella	54530-00002	3598

7590

07/28/2004

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EXAMINER
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CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/057,016	TURNASELLA, THEODORE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan Y Chen	2171	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

Claims 1-30 are presented for examination.

### ***Specification***

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,741,993 issued to Zitaner et al. (hereinafter referred as '993).

As to claims 20, the '993 patent discloses a system for providing survey data from members of a survey group via an internet [e.g., Abstract, Fig. (s) 1-4], comprising:

- a) a database for storing salary data [e.g., the unit 10, Fig. 1];
- b) a server [e.g., the Reward Workbench (60), Fig. 1] providing access to the Internet, wherein the server configured to:
  - accepting memberships to the salary survey service [e.g., the 1<sup>st</sup> step of Fig. 3] ;
  - storing the salary data received from the at least a portion of the members in the database [e. g., the 4<sup>th</sup> step of Fig. 3];
  - grouping the plurality of members into survey group by the portion of the plurality of members [e.g., the 2<sup>nd</sup> step of Fig. 3];
  - generating a salary survey for members of the survey group using the stored data provided by the members of the survey group [e.g., col. 6, lines 23-33]
  - provide access to the salary survey via the internet [e.g., Abstract, lines 8-10, the Data Network, Fig. 2].

As to claim 21, except all the features recited in claim 20, the '993 patent further discloses that the survey are group by at least one of the business organization or others [e.g., col. 1, lines 14-22].

As to claims 22-25, except all the features recited in claim 20, the '993 patent further discloses that the members including individuals, companies, trade associations, contributor and subscriber [e.g., col. 1, lines 26-35].

As to claims 26-27, except all the features recited in claim 20, the '993 patent further discloses that the server is further configured to receive designations of the members to be included in the survey group and parameters to defining information to be presented by the survey [e.g., the first three steps of Fig. 3; Figure 4 and associated texts].

As to claims 28-29, except all the features recited in claim 20, the '993 patent further discloses that the server is configured to provide access to the plurality members of the survey group [e.g., the units 30, 32, 34, 36, Fig. 1].

As to claim 30, except all the features recited in claim 20, the '993 patent further discloses that the salary data is related to job positions [e.g., the Job\_code, Position fields, Fig. 4].

As to claims 1-19, the steps in the claimed method are deemed to be made inherit by the functions of the apparatus structure of claims 20 - 30 in the combination discussed above, hence were rejected for the same reasons.

***Conclusion***

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,477,504 issued to Hamlin et al., which discloses a system for automating surveys over network system for a particular user; U.S. Patent No. 6,401,079 issued to Kahn et al., which teaches a system for Web based payroll and benefits administration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2171

July 19, 2004



**UYEN LE**  
**PRIMARY EXAMINER**